THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.669 of 1998

Date: 11.04.2007

Between:

V. Rajaiah

... Petitioner

AND

The Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Warangal and another.

... Respondents

Counsel for the petitioner : Sri V.R. Balachary

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.669 of 1998

ORDER:-

This writ petition is filed seeking a writ of Certiorari to quash the Award dated 21.04.1997 passed in M.P.No.22 of 1994 by the Industrial Tribunal-cum-Labour Court, Warangal, the 1st respondent (for short "the Labour Court"). By the said Award, the application filed by the petitioner under Section 33-C (2) of the Industrial Disputes Act, 1947 (for short "the Act") was dismissed.

It is not in dispute that the petitioner, who was a Conductor, was removed from service following a departmental enquiry. The said order was set aside in I.D.No.162 of 1987 wherein a direction was given to reinstate the petitioner into service with full backwages including all attendant benefits. When an I.A. filed by the APSRTC to reopen the case was allowed and the case was reopened, the petitioner filed W.P.No.19337 of 1988. On the ground that the Award dated 11.03.1988 was not complied with, the petitioner filed application under Section 33-C (2) of the Act claiming certain amounts. When the said application was pending, W.P.No.19337 of 1988 filed by the petitioner was disposed of by this Court with a specific direction that the Labour Court shall pass a fresh Award. Accordingly, the Labour Court made an Award later. The Labour Court dismissed M.P.No.22 of 1994 on the premise that since a fresh Award was made, the petitioner will have to work out his remedies for enforcement of his claim under

the fresh Award and the application filed on the basis of the earlier Award cannot be considered.

Heard Sri V.R. Balachary, learned counsel for the petitioner.

Having considered his arguments and perused the record, I am of the considered view that the Award of the Labour Court does not suffer from any error of law warranting interference by this Court.

It is not in dispute that M.P.No.22 of 1994 was filed based on Award dated 11.03.1988, which was subsequently revised and a fresh Award was passed. The application therefore did not survive for consideration and the petitioner, if advised, ought to have made claims under the fresh Award. The Labour Court is therefore correct in rejecting M.P.No.22 of 1994 with the observation that it is for the petitioner to work out his remedies under the fresh Award.

For the aforementioned reasons, the writ petition fails and is accordingly dismissed. No costs.

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C.V.NAGARJUNA REDDY, J

Date: 11.04.2007
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